IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 19359 of 2004

Between:

1 Kurapati Brahmaiah S/o.Venkateswarlu
D.K.No.144/1411, Patta No.218.
2 Ande Kasturi W/o.Venkateswara Rao
D.K.No.144/1411, Patta No.235.
3 Chappavarapu Vijay Kumar S/o.Ramanaiah
D.K.No.3/1413,, Patta No187
4 Ballikurava Hari Babu S/o.Dibbaiah
D.K.No.3/1413,, Patta No188
5 Indla Govindamma S/o.Anjaiah
D.K.No.3/1413, Patta No.237.
6 Chellamcherla Yesu S/o.Subbaiah
D.K.No.3/1413, Patta No.216 A.
7 Katta Yanadi S/o.Narasaiah
D.K.No.3/1413, Patta No.191 A.
8 Bayavarapu. Padma W/o.Krishnamurthy
D.K.No.3/1413, Patta No.240
9 Yatam. Obulamma W/o.Aji Reddy
D.K.No.155/1412, Patta No.250 A.
10 Devarakonda.Nancharamma] W/o.Koteswara Rao
D.K.No.3/1413, Patta No.238 A
11 Devarakonda. Dhanalakshmi W/o.Ramaiah
D.K.No.3/1413, Patta No.250
12 Rachamalla Jhansi W/o.Brahma Reddy
D.k.No.130/1412, Patta No.238
13 Anaparti Mariyamma W/o.Irimiya
D.K.No.93, Patta No.788.
14 Gollapati Ajamma W/o.Yesu
D.K.No.93/1411, Patta No.789.
15 Gollapati Marthamma W/o. Ramaiah

D.K.No.93/1411, Patta No.790.

16 Gollapati Akkamma W/o.Elaiah
D.K.No.93/1411, Patta No.791.

17 Chukka Indira Devi W/o.Chandrasekhar
D.K.No.158, Patta No.631

18 Kanamarlapudi Malathi W/o.Rama Rao
D.K.No.158, Patta No.778.

19 Lakkamala Sujatha W/o.Srinu
D.K.No.151, Patta No.30.

20 Kandikattu Shamalambhika W/o.Krishnaiah
D.K.No.151, Patta No.29

21 Vemula Ramakrishna W/o.Koteswara Rao
D.K.No.151, Patta No.31

22 Ronduchintal Subrahmanyam, W/o. Sastri

D.K.No.151, Ratta No.38

23 Potturi Anjamma W/o.Ramaiah
D.K.No.151, Patta No.9

24 Maila Sai Ram S/o.Rama Rao
D.K.No.894, Patta No.714.

25 Kothapalli Parvathi W/o.Srinu
D.K.No.95, Patta No.131

26 Sk.Mastan Bee W/o.Hussain Saheb
D.K.No.95, Patta No.131

27 Sogasani Aruna W/o.Late Malakondaiah
D.K.No.95, Patta No.174

28 Manganellori.Jyothi W/o.Venkata Subba Raju
D.K.No.151, Patta No.227

29 Mangsetty Subbaravamma W/o.Venkateswarlu
D.K.No.151/1411, Patta No.228

30 Smt.Kavuri Suseela W/o.Subba Chary
D.K.No.152/1412, Patta No.233.

31 Thatikonda. Venkateswaramma W/o.China Venkateswarlu
D.K.No.152/1412, Patta No.243.

32 Smt.Medipudi Suneetha W/o.Madhava Rao
D.K.No.152/1412, Patta No.254.

33 Smt Surya Nagendram W/o.Hari Babu
D.K.No.130/1412, Patta No.258.

34 Smt Premula Sundaramma W/o.Rooben
D.K.No.173/1412, Patta No.221.

35 Smt.Chavali Sudha Rani W/o.Koteswara Rao
D.K.No.180/1411, Patta No.257.

36 Smt.Chavali Kumari W/o.Raju
D.K.No.180/1411, Patta No.245.

37 Smt.Paleti Elisamma W/o.Koteswara Rao
D.K.No. 152/1412, Patta No.217.

38 Adigoppula Krishna Veni W/o.Venkata Sambasiva Rao
D.K.No. Patta No.223.

39 Anduvathi Seetharavamma W/o.Siva Tirunarayana
D.K.No.1441, Patta No.222.

40 Smt.Chavali Kotamma W/o.Salman Raju
D.K.No.180/141, Patta No.118.

..... PETITIONERS

AND

1 The District Collector Ongole Prakasam DistIrict.
2 The Superintendent of Police Ongole, Prakasam District.
3 The Revenue Divisional Officer Ongole, Prakasam District.
4 The Mandal FRevenue Officer Ongole, Prakasam DistIrict.
5 The Sub Inspector of Police Taluka Police Station, Ongole, Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents 4th and 5th in demolishing the petitioners house constructed and dispossessing them from their respective plots allotted by way of pattas in Sy.No.122 and 122/12 of Mamidipalem Village, Ongole Mandal, Prakasam District is illegal arbitrary and unconstitutional and consequently direct the respondents 4th and 5th not to dispossess the petitioners by demolishing the houses allotted by way of D.K.T. Pattas.

Counsel for Petitioners:MR.CH.VIDYASAGAR

Counsel for the Respondents: GP FOR ASSIGNMENT

The Court, at the stage of admission, made the following :

ORDER

Petitioners claim to have been granted D.K.Pattas in respect of land situated in Sy.Nos.122 and 122/12 of Mamidipalem village, Prakasam District and filed Xerox copies of the same along with the writ petition complaining that on 25th and 26th of July 2004, the fourth respondent along with fifth respondent came to the house sites and demolished the constructions made by the petitioners without following due procedure and without cancelling the pattas made in their favour. Further, it is alleged that the respondents are also trying to dispossess the petitioners from the land in question.

Heard the learned counsel for the petitioners and the learned Government Pleader for Assignment.

The learned Government Pleader for Assignment submitted that necessary procedure would be followed for eviction of the petitioners and it will be only after cancellation of the pattas made in favour of the petitioners. In view of the same the respondents are directed not to dispossess the petitioners from the plots allotted under D.K.Pattas without following the due procedure and the petitioners also shall not make any permanent constructions in the said land.

With the above direction, the writ petition is disposed of. No costs.

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A. GOPAL REDDY. J.

28th October, 2004

tsr.

To

1 The District Collector Ongole, Prakasam Distlrict.
2 The Superintendent of Police, Ongole, Prakasam District.
3 The Revenue Divisional Officer, Ongole, Prakasam District.
4 The Mandal Revenue Officer, Ongole, Prakasam Distlrict.
5 The Sub Inspector of Police, Taluka Police Station, Ongole, Prakasam District.

6 Two CCs to Government Pleader for Assignment, High Court Buildings, Hyderabad. (OUT).

7 Two CD copies.